

REMARKS

Claims 1,3 and 5-7 are pending. Applicants hereby express their appreciation for the Examiner's careful review of the specification and claims. The Examiner has offered the following rejections:

1. Claims 1, 3 and 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps.
2. Claims 1, 3 and 5-7 are rejected under 35 U.S.C. 112, first paragraph, as not enabled.

A. The Claims Are Complete

Claims 1, 3 and 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps. The Examiner argues that a "resolution step" is needed. Applicants disagree. Steps are "essential" only if the specification indicates they are essential:

2172.01 Unclaimed Essential Matter

A claim which omits matter disclosed to be essential to the invention **as described in the specification or in other statements of record** may be rejected under 35 U.S.C. 112, first paragraph, as not enabling. In re Mayhew, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). See also MPEP § 2164.08(c). Such essential matter may include missing elements, steps or necessary structural cooperative relationships of elements **described by the applicant(s) as necessary** to practice the invention. [*emphasis added*]

The Examiner is requested to note that the MPEP places the burden of identifying "essential steps" upon the Applicants. In this case, the Examiner has pointed to nothing in the specification that would make a resolution step "essential." Nonetheless, without acquiescing to the Examiner, but to further the prosecution, and expressly hereby reserving the right to prosecute the unamended claims in the future, Applicants have amended the last portion of Claim 1 to add a resolution step.

B. The Claims Are Enabled

Claims 1, 3 and 5-7 are rejected under 35 U.S.C. 112, first paragraph, as not enabled. Without agreeing with the Examiner, but to further the prosecution, Applicants have amended Claim 1 to indicate the antibody is specific for the peptide of SEQ ID NO:5.

C. Priority

The Examiner asks for a statement regarding priority. However, the Applicants submitted such a statement at the time of filing (see Tab 1) as reflected in the official Filing Receipt (see Tab 2). Applicants believe this is sufficient. However, if further paperwork is needed, Applicants will certainly comply.

CONCLUSION

The Applicants believe that the above-noted amendments resolve all rejections. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the Applicant encourages the Examiner to call the undersigned collect at 617.252.3353.

Dated: _____

3/21/2003

By: _____

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APPENDIX I
MARKED-UP VERSION OF REWRITTEN CLAIMS
PURSUANT TO 37 CFR § 1.121 (c)(1)(ii)

1. A method, comprising:
 - a) providing;
 - i) a human presenting symptoms of sepsis, and
 - ii) a therapeutic composition comprising an antibody specific for SEQ ID NO:5[2]; and
 - b) administering said therapeutic composition to said human under conditions such that at least one of said symptoms is reduced.